

Bureau of Indian Affairs, Interior

§ 20.505

| Service that can be paid | Conditions that must be met | Maximum payment level |
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| (b) Adoption or guardianship subsidies. | There must be no other resources available to pay for this service. See §20.503 for other conditions that must be met. | The Bureau's maximum adoption and guardianship payment standard. |
| (c) Short-term homemaker services. | There must be no other resources (such as Medicaid) available to pay for this service. Services can be purchased for a maximum of 3 months. See §20.504 for other conditions that must be met. | As approved by the Bureau line officer. |
| (d) Temporary foster care | See §20.509 for conditions that must be met | The state or county foster care rate in the state in which the child resides. |

§ 20.502 Can Child Assistance funds be used to place Indian children in residential care facilities?

You, the social service program, can use Child Assistance funds to purchase or contract for room and board in licensed residential care facilities.

(a) You can use Child Assistance funds to pay only for room and board. You must pay for other services that may be needed, including mental health, education, and physical therapy from other sources.

(b) Before placement the various funding sources must sign an agreement that specifies the services each source will pay. The Bureau Line Officer must approve this agreement.

§ 20.503 When can Child Assistance funds be used for Indian adoption or guardianship subsidies?

You, the social services program, can use Child Assistance funds to provide either adoption or guardianship subsidies if all of the following are true:

- (a) The child is 17 or younger;
- (b) The child has been in foster care prior to approval of the subsidy;
- (c) The social services worker has considered all other available resources, attempted permanency planning, and documented in the case file that placement was in the best interest of the child; and
- (d) The Bureau Line Officer approves the subsidy before it is authorized and redetermines eligibility on a yearly basis.

§ 20.504 What short-term homemaker services can Child Assistance pay for?

You, the social services program, can use Child Assistance funds to pay for homemaker services as specified in

§20.501 and this section. While house-keeping services are covered, homemaker services must focus on training household members in such skills as child care and home management. Homemaker services are provided for:

(a) A child who would otherwise need foster care placement or who would benefit from supportive (protective) supervision;

(b) A severely handicapped or special needs child whose care places undue stress on the family; or

(c) A child whose care would benefit from specialized training and supportive services provided to family members.

§ 20.505 What services are provided jointly with the Child Assistance Program?

The services listed in this section are provided by Services to Children, Elderly, and Families under this subpart jointly with the Child Assistance Program.

(a) Social services provided for children in their own home aimed at strengthening the family's ability to provide for and nurture their child. These supportive services can include:

- (1) Social work case management;
- (2) Counseling for parents and children;
- (3) Group work, day care; and
- (4) Homemaker services, when necessary.

(b) Protection of Indian children from abuse, neglect or exploitation in coordination with law enforcement and courts.

(c) A written case plan must be established within 30 days of placement and reviewed within 60 days of placement or as outlined in tribally established standards, when temporary

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placement outside the home is necessary. The case plan must contain a written agreement signed among the various funding sources to identify the services that will be paid by each source in those instances where the child requires services outside the authority of the Child Assistance program.

FOSTER CARE

§ 20.506 What information is required in the foster care case file?

At a minimum the following information is required:

- (a) Tribal enrollment verification in accordance with § 20.100;
- (b) A written case plan (established within 30 days of placement), which would include a permanency plan detailing the need for and expected length of placement;
- (c) Information on each child's health status and school records, including medications and immunization records;
- (d) Parental consent(s) for emergency medical care, school, and transportation;
- (e) A signed plan for payment, including financial responsibility of parents and use of other appropriate resources;
- (f) A copy of the certification/license of the foster home;
- (g) A current photo of each child;
- (h) A copy of the social security card, birth certificate, Medicaid card and current court order;
- (i) For a placement beyond 30 days, copy of the action taken or authorized by a court of competent jurisdiction that documents the need for protection of the child;
- (j) For an involuntary placement, a social services assessment completed by a social services worker within 30 days of placement;
- (k) Documentation of a minimum of one visit to the placement setting per month by the social services worker with each child; and
- (l) A list of all prior placements, including the names of the foster parents and dates of placements.

§ 20.507 What requirements must foster care providers meet?

If a child needs foster care, the social services worker must select care that meets the physical, behavioral, and

emotional needs of the child. Foster care is intended to be short-term. The case plan must show that all of the requirements in paragraphs (a) through (c) of this section are met:

(a) All foster homes must be certified or licensed by the tribe or other appropriate authority. Foster care placements beyond 30 days must be made through a court of competent jurisdiction to ensure that:

- (1) Federal background checks are completed prior to placement as required by Public Law 101-630; and
- (2) Training (optional for placements with relatives) is provided to the foster family.

(b) If the child is placed with relatives in an adoption and guardian placement, the case file must contain an approved current home study.

(c) An off-reservation foster home, or residential care facility under contract must meet the licensing standards of the state in which it is located or tribally established certifying/licensing standards.

§ 20.508 What must the social services agency do when a child is placed in foster care, residential care or guardianship home?

The social services agency must make efforts to secure child support for the child in foster care or residential care through a court of competent jurisdiction.

§ 20.509 What must the social services worker do when a child is placed in foster care or residential care facility?

When a child is placed in foster care or a residential care facility the social services worker must do all of the following:

- (a) Discuss with foster parents or caretakers, the child's special needs, including disabilities;
- (b) Provide counseling or referral to available resources;
- (c) Refer any child requiring medical, substance abuse, or behavioral (mental) health services to an appropriate health services to be assessed and to receive services;